

EXHIBIT A

Return Date: No return date scheduled

Courtroom Number:

Location:

**IN THE CIRCUIT COURT OF COOK COUNTY FIRST MUNICIPAL DISTRICT
COOK COUNTY ILLINOIS**

MIDLAND FUNDING LLC as successor in interest to
CITIBANK, N.A..

Plaintiff,

vs.

MARY ENRIQUEZ
Defendant(s).

FILED

2019 10:48 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
20191104657

7217563


Case No. 2019M1104657

Hearing Date: 12/4/2019 2:00 PM - 2:00 PM

NOTICE OF MOTION

To: MARY ENRIQUEZ
5520 S KARLOV AVE
CHICAGO IL 60629

On December 4, 2019, at 2:00 a.m./p.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge, Courtroom 1102 at the CIRCUIT COURT OF COOK COUNTY FIRST MUNICIPAL DISTRICT, located at 50 W WASHINGTON STREET ROOM 602 CHICAGO, IL 60602, and shall then and there present the attached *Motion for Default and Judgment*.



Attorney for Plaintiff

KEVIN W. MORTELL
TONI MILLER
DAVID PICARDAT ✓
Attorneys for Plaintiff

P.O. BOX 2121

WARREN, MI 48090

(866) 300-8750


kevin.mortell@mcmcg.com / toni.schroeckenstein@mcmcg.com / david.picardat@mcmcg.com

Fax (866) 641-0716

Attorney No. 43831 / 6286876 / 6293557

PROOF OF SERVICE

I, the undersigned attorney, certify that he/she served this Notice by mailing a copy of the above named party at the above listed address by depositing same, with pre-paid postage attached, into the U.S. mail at 1821 WALDEN OFFICE SQUARE SUITE 400 SCHAUMBURG IL 60173 at or before 5:00 p.m. on the 27th day of November, 2019



KEVIN W. MORTELL
TONI MILLER
DAVID PICARDAT
kevin.mortell@mcmcg.com /
toni.schroeckenstein@mcmcg.com /
david.picardat@mcmcg.com
Attorneys for Plaintiff

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Case No. 2019M1104657

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MIDLAND FUNDING LLC ("Plaintiff"), by counsel, KEVIN W. MORTELL / TONI MILLER / DAVID

PICARDAT, moves this Honorable Court to enter an Order of Default and Judgment against, Defendant(s), MARY ENRIQUEZ and in support thereof states as follows:

1. Defendant(s) was served in this case on March 22, 2019. A copy of the Return of Service is attached as Exhibit "A".
2. That the Defendant(s) has failed to file an Appearance and/or Answer in this matter.
3. That Plaintiff's Complaint is supported by an Affidavit showing a balance due of \$4,789.33, plus costs.

WHEREFORE, Plaintiff, MIDLAND FUNDING LLC, moves this Honorable Court to enter an Order of Default and Judgment against the Defendant(s), MARY ENRIQUEZ, in the sum of \$4,789.33, costs and such additional relief this Court deems just.

Respectfully Submitted,
MIDLAND FUNDING LLC,
Plaintiff herein.


 KEVIN W. MORTELL
 TONI MILLER
 DAVID PICARDAT
 Attorneys for Plaintiff

**KEVIN W. MORTELL
TONI MILLER
DAVID PICARDAT**
Attorneys for Plaintiff
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Fax (866) 641-0716
Attorney No. 43831 / 6286876 / 6293557

FILED DATE. 11/4/2019 10:40 AM 20191104031

Cook County**SHERIFF**

THOMAS J DART

**Civil Process
Service Lookup****Search Results:**

| Sheriff # | Name | Address | Status |
|------------------|-------------------|--------------------------------------|---------------|
| 03043796 | ENRIQUEZ, MARY | 5520 S KARLOV AV , CHICAGO, IL 60629 | SERVED |

Service Date/Time: 3/22/2019 6:50:00 PM
Service Type: Personal Service
Served on: MARY ENRIQUEZ , Hispanic female
Remarks:

[Search Again](#)

By using this search tool, you acknowledge that you understand that it is solely your responsibility to verify any information you may obtain herein before relying on said information for any type of legal action.

Cook County Sheriff's Office Civil Division • 50 W. Washington, Room 701
Chicago, IL 60602 • **(312) 603-3365**

ORDER

IN THE CIRCUIT COURT OF COOK COUNTY FIRST MUNICIPAL DISTRICT

MIDLAND FUNDING LLC as successor in interest
to CITIBANK, N.A.

Plaintiff

}

No. 2019M1104657

MARY ENRIQUEZ

Defendant

AFFIDAVIT AS TO MILITARY SERVICE

DAVID PICARDAT

on oath states:

With respect to defendant(s) MARY ENRIQUEZ,

THE DEFENDANT IS NOT

(the defendant(s) is)

(the defendant(s) is not)

(I am unable to determine whether the defendant(s) is)

in the military service of the United States.

This affidavit is based on these facts:

THE INFORMATION WAS VERIFIED VIA THE OFFICIAL DEPARTMENT OF DEFENSE SERVICE
MEMBERS CIVIL RELIEF ACT (SCRA) WEBSITE.



[] Under penalties as provided by law pursuant to 735 ILCS 5/1-109 the above
signed certifies that the statement set forth herein are true and current.

Atty No.: 43831 / 6286876 / 6293557

Name: KEVIN W. MORTELL / TONI MILLER / DAVID PICARDAT

Attys. for: PLAINTIFF

Address: 1821 WALDEN OFFICE SQUARE SUITE 400

City/State/Zip: SCHAUMBURG IL 60173

Telephone: (866) 300-8750

CLERK OF THE CIRCUIT COURT OF COOK COUNTY FIRST MUNICIPAL DISTRICT

Department of Defense Manpower Data Center

Results as of : Oct-07-2019 11:39:09 AM

SCRA 5 1



Status Report

Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-7523
 Birth Date: Dec-XX-1959
 Last Name: ENRIQUEZ
 First Name: MARY
 Middle Name:
 Status As Of: Oct-07-2019
 Certificate ID: F343M85PRLY38LW

| On Active Duty On Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects the individuals' active duty status based on the Active Duty Status Date | | | |

| Left Active Duty Within 367 Days of Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date | | | |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date | | | |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date | Order Notification End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty | | | |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

FILED DATE: 11/14/2019 10:40 AM 20191104037

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq. as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

FILED DATE: 11/14/2019 10:40 AM

EXHIBIT B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MIDLAND FUNDING LLC,
Plaintiff

-vs-

Case No. _____

MARY ENRIQUEZ,
Defendant(s).

**CREDIT CARD OR DEBT BUYER COLLECTION ACTION AFFIDAVIT
(SUPREME COURT RULE 280.2)**

INSTRUCTIONS: Provide the following information and documents. Supreme Court Rule 280.1 provides the definitions of the terms in this Affidavit.

Comes now affiant, and states:

☒ I am an officer for Plaintiff and a designated full-time employee of Midland Credit Management, Inc. ("MCM"), servicer of this account on behalf of Plaintiff.

I am employed as a Legal Specialist and have access to pertinent account records for Midland Credit Management, Inc. ("MCM"), servicer of this account on behalf of Plaintiff. I am a competent person over eighteen years of age, and make the statements herein based upon personal knowledge of those account records maintained on Plaintiff's behalf. I have access to and have reviewed the electronic records pertaining to the account maintained by MCM and am authorized to make this affidavit on Plaintiff's behalf. The electronic records reviewed consist of data acquired from the seller when Plaintiff purchased the account, together with records generated by MCM in connection with servicing the account since the day the account was purchased by Plaintiff. In addition, I reviewed the documents that are attached to this affidavit.

I am familiar with and trained on the manner and method by which MCM creates and maintains its business records pertaining to this account. The records are kept in the regular course of business. It was in the regular course of business for a person with knowledge of the act or event recorded to make the record or data compilation, or for a person with knowledge to transmit information thereof to be included in such record. In the regular course of business, the record or compilation is made at or near the time of the act or event.

1. IDENTIFICATION ABOUT THE CONSUMER DEBT OR ACCOUNT

Complete the tables and check all applicable boxes.

a. As of charge-off date:

AFFIDAVIT OF AARON BACKES - 1



| Full name of the creditor | Full name of the defendant as it appears on the account | Last four digits of the account | Date the account was opened or the date originated | Nature of the debt, (credit card debt, payday loan, retail installment loan, etc.) |
|---------------------------|---|---------------------------------|--|--|
| CITIBANK, N.A. | MARY ENRIQUEZ | XXXXXXXXXXXX6086 | 2012-12-22 | Credit Card |

b. Attach one of the following:

- ☐ The written contract giving rise to the debt that is the subject of this court case (the "Consumer Debt").
- ☒ The court case is based on an unwritten contract, and attached is a copy of a document provided to the consumer while the account was active, demonstrating that the consumer debt was incurred by the consumer. For a revolving credit account, a statement reflecting the charge-off balance shall be deemed sufficient to satisfy this requirement. The Plaintiff further certifies that it has in its possession and can produce on request the most recent monthly statement recording a purchase transaction, last payment, or balance transfer. The charge-off statement attached will not reflect any post charge-off payments or credits by or to the charge-off creditor, the debt buyer or their attorneys.

c. The most recent activity on the account prior to or after charge-off, includes:

| Charge-off Balance | Charge-off Date | Date of Last Payment | Amount of Last Payment | Total Amount of Credits and/or Payments Since Charge-off Date* |
|--------------------|-----------------|----------------------|------------------------|--|
| \$4,789.33 | 2018-03-04 | 2017-07-28 | \$102.00 | \$0.00 |

*Credits or payments made within 30 days of the signing of this affidavit may not be reflected.

- d. The documents attached hereto are true and correct copies of the originals, being a reproduction of the records on file on behalf of Plaintiff based upon my review, except to the extent that confidential and privileged information and/or personal identifying information is omitted or redacted as required by local rules, and applicable state and federal law.

2. PROOF OF OWNERSHIP OR RIGHT TO SUE FOR DEBT BUYERS

Complete the table and list the prior owners or creditors since the charge-off date. Start with the first assignment through the current creditor or owner of the consumer debt. List in chronological order, beginning with the first assignment:

| From (Name) | To (Name) | Date of Assignment (On or About) |
|----------------|---------------------|----------------------------------|
| CITIBANK, N.A. | MIDLAND FUNDING LLC | 2018-04-18 |

AFFIDAVIT OF AARON BACKES - 2



☐ Does not apply - Plaintiff is the charge-off creditor.

3. ADDITIONAL ACCOUNT INFORMATION AFTER CHARGE-OFF

Plaintiff is seeking additional amounts after the charge-off date:

☒ No

☐ Yes

☐ Total amount of interest accrued: \$;

☐ Total amount of non-interest charges or fee accrued \$;

☐ Plaintiff is seeking attorney's fees in the amount of \$.

Balance due and owing as of 2019-01-17: \$4,789.33.

Affiants may certify their statements pursuant to section 1-109 of the Code of Civil Procedure or have their signature notarized in the manner required by law.

Under penalties as provided by law under section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that [s]he verily believes the same to be true.

JAN 23 2019

Date

Aaron Backes

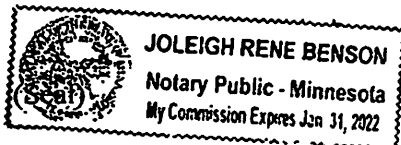
Aaron Backes

STATE OF MINNESOTA

COUNTY OF STEARNS

JAN 23 2019

Signed and sworn to (or affirmed) before me on _____ by Aaron Backes.



[Signature]
Notary Public

CA137
Internal Legal ILMS

AFFIDAVIT OF AARON BACKES - 3



8579907110



AFFRECORDMEDIA



19-14495